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OFFICE OF PETITIONS

In re Application of  
Kwoh, et al.  
Application No. 09/523,033  
Filed: March 10, 2000  
Attorney Docket No. P-IM-4082

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 22, 2002, to revive the above-identified application.<sup>1</sup>

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures, mailed October 4, 2000, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 5, 2000. A Notice of Abandonment was mailed on May 8, 2001.

Petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of a sequence listing in both paper and computer readable form, paid the petition fee, and made the proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.<sup>2</sup> In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

<sup>1</sup> The instant petition is supplemented by petitioner's resubmission of a Sequence Limiting in computer readable form via Express Mail on March 25, 2002. The original computer readable form submitted with the petition on January 22, 2002 was destroyed through Office irradiation procedures.

<sup>2</sup> See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

The application file is being forwarded to Technology Center 1600 for consideration of petitioner's sequence listing, filed March 25, 2002.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0272.



Cliff Congo  
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Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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